

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for
RELIANCE INSURANCE COMPANY,

07 Civ. 6915 (DLC)
ECF CASE

Plaintiff,

against -

THE DORMITORY AUTHORITY OF
THE STATE OF NEW YORK, TDX
CONSTRUCTION CORP., and KOHN,
PEDERSON, FOX & ASSOCIATES, P.C.,

**ANSWER OF CASTRO-BLANCO
PISCIONERI AND ASSOCIATES,
ARCHITECTS, P.C. AND
ARQUITECTONICA NEW YORK,
P.C. TO TRATAROS
CONSTRUCTION, INC.'S
CROSS-CLAIMS**

Defendants.

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DORMITORY AUTHORITY OF THE STATE OF
NEW YORK,

Third-Party Plaintiff,

- against -

TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY SURETY COMPANY,

Third-Party Defendants.

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TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth-Party Plaintiffs,

- against -

CAROLINA CASUALTY INSURANCE COMPANY,
et al.

Fourth-Party Defendants.

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KOHN PEDERSON FOX ASSOCIATES, P.C.

Third-Party Plaintiff,

- against -

WEIDLINGER ASSOCIATES CONSULTING
ENGINEERS, P.C., CASTRO-BLANCO
PISCIONERI AND ASSOCIATES, ARCHITECTS,
P.C., ARQUITECTONICA NEW YORK,
P.C., TRATAROS ASSOCIATES, INC.,
CERMAK, PETERKA PETERSEN, INC. TRATAROS
PANEL SYSTEMS CORP., TRATAROS
CONSTRUCTION, INC. and LBL SKYSYSTEMS
(U.S.A.), INC.,

Third-Party Defendants.

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Defendants, Castro-Blanco Piscioneri and Associates,
Architects, P.C. ("Castro-Blanco") and Arquitectonica New York,
P.C., ("Arquitectonica") by their attorneys, Gogick, Byrne &
O'Neill, LLP, as and for their Reply to the Cross-Claims of Third-
Party Defendant Trataros Construction, Inc. ("Trataros"),
respectfully alleges and says as follows:

PARTIES, JURISDICTION, AND VENUE

1. Deny having knowledge or information sufficient to form a
belief as to the truth of the allegations contained within
paragraphs "1", "2", "5" and "6" of the Cross-Claims.

2. Deny having knowledge or information sufficient to form a
belief as to the truth of the allegations contained within
paragraphs "7" and "8" of the Cross-Claims and respectfully refers
all questions of law to the Honorable Court.

FACTS

3. Deny having knowledge or information sufficient to form a

belief as to the truth of the allegations contained within paragraphs "9" and "10" of the Cross-Claims.

4. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained within paragraph "11" of the Cross-Claims in the form alleged.

5. Deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained within paragraphs "12", "13", "14", and "15" of the Cross-Claims in the form alleged and refers to third-party complaint for its claims.

CROSS CLAIMS AGAINST DESIGN SUBCONSULTANTS
(Common-Law Indemnifications and Contribution)

6. The responding defendants repeat, reiterate and reallege each and every denial hereinbefore set forth in response to paragraphs "1" through "15" with the same force and effect as if the same were set forth in full herein in response to paragraph "16" of the Cross-Claims.

7. Deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained within paragraph "17" of the Cross-Claims in the form alleged and respectfully refers all questions of law to the Honorable Court and refers to third-party complaint for its claims.

8. Deny the truth of each and every allegation contained within paragraphs "18", "19", "20" and "21" of the Cross-Claims.

AS AND FOR AN ANSWER TO FIRST AFFIRMATIVE DEFENSE

9. The Court lacks subject matter jurisdiction over this controversy.

AS AND FOR AN ANSWER TO SECOND AFFIRMATIVE DEFENSE

10. The Cross-Claims fail to state a cause of action against Castro-Blanco and Arquitectonica upon which relief may be granted.

AS AND FOR AN ANSWER TO THIRD AFFIRMATIVE DEFENSE

11. The Cross-Claims against Castro-Blanco and Arquitectonica are barred by waiver, payment and release.

AS AND FOR AN ANSWER TO FOURTH AFFIRMATIVE DEFENSE

12. Trataros is estopped from bringing these Cross-Claims against Castro-Blanco and Arquitectonica.

AS AND FOR AN ANSWER TO FIFTH AFFIRMATIVE DEFENSE

13. Whatever changes Trataros may have sustained as alleged in the Cross-Claims against Castro-Blanco and Arquitectonica, all of which are denied by Castro-Blanco and Arquitectonica, were caused in whole or in part by the culpable conduct of Trataros and/or others for whose acts, omissions and/or conduct Trataros is responsible. The amount of damages recovered, if any, shall therefore be diminished in the proportion which the culpable conduct attributable to Trataros bears to the culpable conduct which caused these alleged damages.

AS AND FOR AN ANSWER TO SIXTH AFFIRMATIVE DEFENSE

14. The damages alleged in the Cross-Claims against Castro-

Blanco and Arquitectonica were caused by the culpable conduct of some third person or persons over whom Castro-Blanco and Arquitectonica neither had nor exercised control.

AS AND FOR AN ANSWER TO SEVENTH AFFIRMATIVE DEFENSE

15. The claims alleged in the Cross-Claims against Castro-Blanco and Arquitectonica are barred by the doctrines of waiver and/or laches.

AS AND FOR AN ANSWER TO EIGHTH AFFIRMATIVE DEFENSE

16. Castro-Blanco and Arquitectonica incorporates by reference each and every of the Affirmative Defenses set forth in their Answer to the Third-Party Plaintiff's Complaint and realleges same as though fully set forth herein.

AS AND FOR AN ANSWER TO NINTH AFFIRMATIVE DEFENSE

17. Trataros's Cross-Claims for contribution are barred since the damages alleged are for economic loss.

AS AND FOR AN ANSWER TO TENTH AFFIRMATIVE DEFENSE

18. Trataros's Cross-Claims for indemnification must be dismissed because Trataros is being sued for its active wrongdoing.

AS AND FOR AN ANSWER TO ELEVENTH AFFIRMATIVE DEFENSE

19. Castro-Blanco and Arquitectonica reserve the right to rely upon any and all additional defenses which may be disclosed during discovery in this action.

WHEREFORE, Castro-Blanco and Arquitectonica demand judgment,

(a) Dismissing the Cross-Claims in its entirety;

- (b) Awarding Castro-Blanco and Arquitectonica all attorneys' fees, disbursements and costs incurred in defending this Cross-Claims; and
- (c) Granting such other and further relief as to this Court seems just and proper.

Dated: New York, New York
May 13, 2008

GOGICK, BYRNE & O'NEILL, LLP
Attorneys for Third-Party
Defendants, Castro-Blanco
Piscioneri and Associates,
Architects, P.C. and
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